

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

ARTHUR JOYAL BARKER

Petitioner,

v.

RICK THALER, Director,  
Texas Department of Criminal Justice,  
Correctional Institutions Division,

Respondent.

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3:10-CV-0655-M

**ORDER ACCEPTING AND MODIFYING FINDINGS AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

The United States Magistrate Judge made Findings, Conclusions and a Recommendation in this case. The Petitioner filed objections, and the District Court has made a *de novo* review of those portions of the proposed findings and recommendation to which objection was made. The objections are overruled. The Court ACCEPTS the Findings, Conclusions and Recommendation of the United States Magistrate Judge but instead of dismissing, the Court TRANSFERS the successive petition for writ of habeas corpus to the United States Court of Appeals for the Fifth Circuit pursuant to *In re Epps*, 127 F.3d 364, 365 (5<sup>th</sup> Cir. 1997). See 28 U.S.C. §§ 2244(a) and (b)(3)(C).

SO ORDERED this 3<sup>rd</sup> day of May, 2010.



BARBARA M. G. LYNN  
UNITED STATES DISTRICT JUDGE  
NORTHERN DISTRICT OF TEXAS